

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
RICHARD D. BENNETT
UNITED STATES DISTRICT JUDGE
NORTHERN DIVISION

U.S. COURTHOUSE - CHAMBERS 5D
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December 18, 2018

LETTER ORDER

To Counsel of Record: *Acosta v. Chimes District of Columbia, et al.*
Civil Action No. RDB-15-3315

Dear Counsel:

The bench trial in this case is currently set to begin **January 14, 2019** in **Courtroom 5D**. Yesterday, this Court held an on the record teleconference to address the several pending Motions *in Limine*. For the reasons set forth on the record, this Court orders as follows.

1. MOTION in Limine *(1) to Exclude Evidence and Argument in Support of New Fiduciary Theory* by Gary Beckman, FCE Benefit Administrators, Inc., Stephen Porter (ECF No. 464) is **DENIED**;
2. MOTION in Limine *(2) to Exclude Testimony of Diane Lapin and an Inadmissible Email Chain* by Gary Beckman, FCE Benefit Administrators, Inc., Stephen Porter (ECF No. 465) is **GRANTED**;
3. MOTION in Limine *(3) to Exclude Evidence Relating to Benefit Plans Other Than the Chimes Plan* by Gary Beckman, FCE Benefit Administrators, Inc., Stephen Porter (ECF No. 466) is **GRANTED**;
4. MOTION in Limine *(4) to Order the Destruction of and to Exclude an Email Covered by the Attorney-Client and Work Product Privileges, Designated by the Secretary as Plaintiff's Trial Exhibit 164* by Gary Beckman, FCE Benefit Administrators, Inc., Stephen Porter (ECF No. 467) is **GRANTED**;
5. MOTION in Limine *(5) to Exclude Testimony of Daniel Levin for Lack of Personal Knowledge* by Gary Beckman, FCE Benefit Administrators, Inc., Stephen Porter (ECF No. 468) is **DENIED**;
6. MOTION in Limine *(6) to Exclude Evidence of Co-Defendant Admissions Against FCE Defendants* by Gary Beckman, FCE Benefit Administrators, Inc., Stephen Porter (ECF

No. 469) is **GRANTED**;

7. MOTION in Limine *(7) to Exclude Evidence and Argument Related to Significa Benefit Services, Inc.* by Gary Beckman, FCE Benefit Administrators, Inc., Stephen Porter (ECF No. 470) is **GRANTED**;
8. Joint MOTION in Limine *to Exclude Evidence of Claims Processing Errors on Plans Other Than the Chimes Plan* by Gary Beckman, Albert Bussone, Chimes D.C. Inc. Health & Welfare Plan, Chimes District of Columbia, Inc., Chimes International Ltd, FCE Benefit Administrators, Inc., Martin Lampner, Stephen Porter, Marilyn Ward (ECF No. 471) is **DENIED**;
9. MOTION in Limine *by Joint Defendants to Preclude the Secretary from Offering Expert Opinion Testimony in Support of Claimed Damages for Years 2010, 2016 and 2017* by Gary Beckman, Albert Bussone, Chimes D.C. Inc. Health & Welfare Plan, Chimes District of Columbia, Inc., Chimes International Ltd, FCE Benefit Administrators, Inc., Martin Lampner, Stephen Porter, Marilyn Ward (ECF No. 472) is **GRANTED**;
10. MOTION in Limine *by Joint Defendants to Preclude the Secretary from Offering Evidence Relating to Subsequent Remedial Measures* by Gary Beckman, Albert Bussone, Chimes D.C. Inc. Health & Welfare Plan, Chimes District of Columbia, Inc., Chimes International Ltd, FCE Benefit Administrators, Inc., Martin Lampner, Stephen Porter, Marilyn Ward (ECF No. 473) is **GRANTED**;
11. MOTION in Limine *to Preclude Evidence Related to Ward's Recordkeeping After Her Retirement* by Marilyn Ward (ECF No. 474) is **GRANTED**;
12. Joint MOTION in Limine *to Preclude Evidence of Extraneous Lawsuits or Investigations* by Gary Beckman, FCE Benefit Administrators, Inc., Stephen Porter, Marilyn Ward (ECF No. 475) is **GRANTED**;
13. Joint MOTION in Limine *to Exclude Evidence Concerning Reasonableness of BCG's Fees And Contributions* by Gary Beckman, Albert Bussone, Chimes D.C. Inc. Health & Welfare Plan, Chimes District of Columbia, Inc., Chimes International Ltd, FCE Benefit Administrators, Inc., Martin Lampner, Stephen Porter, Jeffrey Ramsey, Marilyn Ward (ECF No. 476) is **DENIED**;
14. MOTION in Limine *to Exclude the Testimony of EBSA Investigator Siamack Gharanfoli and to Exclude Evidence of EBSA's Investigation* by R. Alexander Acosta (ECF No. 477) is **DENIED**;
15. MOTION in Limine *to Exclude the Testimony of Defendants' Putative Expert Aaron Raddock* by R. Alexander Acosta (ECF No. 478) is **DENIED**;

16. MOTION in Limine *To Exclude Declaration of Grace Dong and Attached Documents* by R. Alexander Acosta (ECF No. 479) is **DENIED**;
17. MOTION in Limine *To Exclude Deposition Testimony of Kathy Thames and Supp. Report and Opinion of J. Mark Abernathy* by R. Alexander Acosta (ECF No. 480) is **GRANTED**;
18. MOTION in Limine *to Prevent the Secretary from Offering Evidence of Payments Made by the Plan to Reimburse Chimes D.C., Inc. for Work Performed by Chimes D.C., Inc. Employee Karen Holcomb by Chimes D.C. Inc. Health & Welfare Plan, Chimes District of Columbia, Inc., Chimes International Ltd* (ECF No. 482) is **GRANTED**;
19. MOTION in Limine *by Joint Defendants to Preclude the Secretary from Offering Evidence, Including Expert Testimony, in Support of Any Claim That Alleged Excessive Fees Paid to FCE By the Chimes D.C., Inc. Health & Welfare Plan Exceed \$2,931,465.48* by Gary Beckman, Chimes D.C. Inc. Health & Welfare Plan, Chimes District of Columbia, Inc., Chimes International Ltd, FCE Benefit Administrators, Inc., Stephen Porter (ECF No. 483) is **DENIED**.

Notwithstanding the informal nature of this letter, it is an Order of this Court and the Clerk is directed to docket it as such.

Sincerely,

/s/
Richard D. Bennett
United States District Judge